

REMARKS

Claims 2-19 are pending in the above-referenced patent application. Claim 1 has been previously canceled by Assignee. Claim 15 has been amended to correct informalities. No new matter has been added by the foregoing amendment, and no prosecution history should result.

Claim rejections - 35 USC §102(e)

Claims 2-4, 6, 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bisson et al. (USP 6,349,092). The Assignee respectfully submits Bisson does not anticipate the rejected claims.

Specifically, claims 9, 13, 14, 15, 16, and 19 recite "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame," whereas Bisson does not teach or suggest "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame." The Examiner is kindly reminded that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP § 2131.01. Furthermore, the identical invention must be shown in as complete detail as in the . . . claim. MPEP § 2131.01.

Since Bisson does not teach or suggest "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame," Bisson does not contain each and every element of the rejected claims and, therefore, does not anticipate claims 9, 13, 14, 15, 16, and 19.

The Assignee respectfully submits in light of the foregoing that independent claims 9, 13, 14, 15, 16, and 19 are allowable over Bisson. Because claims 2-8, 10-12, and 17-18 depend from allowable claims 9 and 16, the Assignee submits they are also allowable. Assignee respectfully submits claims 2-19 are allowable, and respectfully requests they be allowed.

Claim rejections - 35 USC §103(a)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bisson. It is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness.

Regarding claim 5, which depends from independent claim 9, Bisson fails to teach or suggest all the limitations of claim 9, namely the limitation of "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame," as outlined above. The Examiner is kindly reminded that:

To establish a *prima facie* case of obviousness, three basic criteria must be met. MPEP §2142 and §2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the Assignee's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The initial burden is on the Examiner to provide some suggestion of the desirability of doing what is the inventor has done. "To support the conclusion the claimed invention is directed to obvious subject matter, either the references expressly or implicitly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App.& Inter. 1985).

Since the Examiner has not established that Bisson teaches or discloses "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame," as outlined above, the Assignee respectfully submits the Examiner has failed to make a *prima facie* case of obviousness as to claim 5, for at least the reasons discussed, above. Thus, the Assignee respectfully submits dependent claim 5 is allowable over Bisson and respectfully requests it be allowed.

Claims 7, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisson in view of Nakabayashi (USP 5,901,137). . It is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness.

Regarding claim 7, which depends from independent claim 9, Bisson and Nakabayashi fail to teach or suggest all the limitations of claim 9, namely the limitation of "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame."

Since the Examiner has not established that Bisson and Nakabayashi teach or disclose "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame," as outlined above, the Assignee respectfully submits the Examiner has failed to make a *prima facie* case of obviousness as to claim 7, for at least the reasons discussed, above. Thus, the Assignee respectfully submits dependent claim 7 is allowable over Bisson and Nakabayashi and respectfully requests it be allowed.

Regarding claims 14, 15, 16, and 19 Bisson and Nakabayashi fail to teach or suggest all the limitations of claim 14, 15, 16, and 19, namely the limitation of "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame."

Since the Examiner has not established that Bisson and Nakabayashi teach or disclose "said plurality of interface buffers being switched to match the plurality of signaling channels to corresponding byte locations at a data rate of a SONET service comprising the SONET frame," as outlined above, the Assignee respectfully submits the Examiner has failed to make a *prima facie* case of obviousness as to claims 14, 15, 16, and 19 , for at least the reasons discussed, above. Thus, the Assignee respectfully submits dependent claims 14, 15, 16, and 19 are allowable over Bisson and Nakabayashi and respectfully requests they be allowed. Because claims 17-18 depend from allowable claim 16, the Assignee submits they are also allowable. Assignee respectfully submits claims 17-18 are allowable, and respectfully requests they be allowed.

Assignee respectfully submits claims 2-19 are allowable, and respectfully requests they be allowed.

Allowable Subject Matter

The Examiner correctly asserted that claim 9 in its present form is allowable. The Assignee asserts that all of the independent claims now contain the limitation the Examiner submitted in the reasons for allowance in the previous office action.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Deposit Account 50-3703.

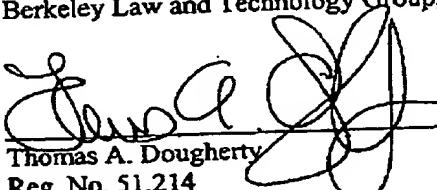
Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Thomas A. Dougherty, at (720) 840-6162, if there remains any issue with allowance.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

Dated: 12/20/05


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